IN THE U.S. PATENT AND TRADEMARK OFFICE

In re application of

Satoshi OMURA et al. Conf. 2478

Application No. 10/663,669 Group 1623

Filed September 17, 2003 Examiner Elli Peselev

NOVEL PSEUDOERYTHROMYCIN DERIVATIVES

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 February 11, 2005

Sir:

percent interest in the instant application, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 USC 154 to 156 and 173, as presently shortened by any Terminal Disclaimer, of prior Patent No. 6,734,292. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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The undersigned is an attorney of record.

Respectfully submitted,

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